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BULLETIN NO. 24-06

TO: ALL NEW JERSEY AUTO INSURERS ISSUING PRIVATE PASSENGER AUTOMOBILE POLICIES

FROM: JUSTIN ZIMMERMAN, ACTING COMMISSIONER

RE: DISCLOSURE REQUESTS FOR PRIVATE PASSENGER AUTOMOBILE POLICY LIMITS PURSUANT TO N.J.S.A. 39:6A-13.2a

The purpose of this Bulletin is to remind insurers transacting automobile insurance who issue private passenger automobile policies to comply with N.J.S.A. 39:6A-13.2a, which requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances.

On September 15, 2021, the Department of Banking and Insurance (“Department”) issued Order No. A21-11 (“the Order”), requiring all insurers transacting automobile insurance who issue private passenger automobile policies to provide an e-mail address to the Department in order to receive requests for policy limit disclosures. On November 22, 2021, the Department issued Bulletin No. 21-12, which also reminded insurers transacting automobile insurance who issue private passenger automobile policies to disclose policy limits upon request by an attorney.

Under N.J.S.A. 39:6A-13.2a,

an insurer who receives a request, from an attorney admitted to the practice of law in New Jersey, for disclosure of the policy limits under a private passenger automobile insurance policy issued by the insurer to an insured, shall provide written disclosure of the policy limits to the attorney no later than 30 days from receipt of the request. The disclosure shall indicate the limits of all private passenger automobile insurance policies and any applicable umbrella or excess liability insurance policies issued by the insurer to the insured.

N.J.S.A. 39:6A-13.2b states that the attorney requesting the policy limits must provide:

a statement that the attorney represents an individual who has suffered bodily injury or death alleged to be caused by a motor vehicle accident with an insured under a private passenger automobile insurance policy issued by the insurer; the name and last known address of the insured; the date and approximate time of the motor vehicle accident; a copy of the accident report, if available, relating to the motor vehicle accident; and a statement from the claimant, or an attorney representing the claimant, providing insurance information, which shall include the claimant's: insurer, policy number, and policyholder name; tort threshold selection; and personal injury protection coverage limit.

N.J.S.A. 39:6A-13.2b does not give insurers the authority to request any additional information from attorneys requesting the policy limits. Disclosure of the policy limits does not constitute an admission that the alleged injury or damage is subject to the policy. N.J.S.A. 39:6A-13.2c. Further, the disclosure is confidential and is not admissible as evidence at trial. N.J.S.A. 39:6A-13.2d.

Accordingly, the Department reminds insurers transacting automobile insurance who issue private passenger automobile policies to comply with the requirements of N.J.S.A. 39:6A-13.2a and provide a written disclosure of the policy limits when requested by an attorney within 30 days.

The Department publishes the e-mail addresses provided by insurers on its website in accordance with N.J.S.A. 39:6A-13.2e. The list can be found here: https://www.nj.gov/dobi/division_insurance/propcasualty/disclosureemail.html. The Department reminds insurers to make sure that the e-mail address provided for policy limit disclosure requests is up to date, and pursuant to the Order inform the Department if the e-mail provided changes within three days.

May 21, 2024
Date



Justin Zimmerman
Acting Commissioner

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